

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HAROLD B. MASON,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION H-12-0970
	§	
STAN STANART, COUNTY CLERK, et	§	
al.,	§	
	§	
Defendants.	§	

OPINION AND ORDER

Pending before the Court in the above referenced cause, apparently alleging some kind of judicial wrong and breach of contract by Defendants Stan Stanart, County Clerk, Scott Hilshire, Assistant County Attorney, Vince Ryan, County Attorney, the Civil Court No. 4 of Harris County (Cause No. 990084), the Fourteenth Court of Appeals (Cause No. 14-11-00493), *et al.*, and seeking a writ of mandamus, is *pro se* Plaintiff Harold B. Mason's application to proceed *in forma pauperis* (instrument #5).

The Court

ORDERS that the application to proceed *in forma pauperis* is GRANTED.

Nevertheless, this Court may dismiss a complaint filed *in forma pauperis* under 28 U.S.C. § 1915(e)(2)(B)(1) if the Court finds that "the action is frivolous or malicious." *Alfred v. Corrections Corp. of America*, No. 09-30614, 2011 WL 2201188, *2 (5th

Cir. June 7, 2011). A complaint is frivolous if it lacks an arguable basis in law or fact. *Denton v. Hernandez*, 504 U.S. 25 (1989). The Court may dismiss factual allegations that are "clearly baseless," "fanciful," "fantastic," or "delusional." *Alfred*, 2011 WL 2201188 at *2, citing *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). "[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeably facts available to contradict them." *Id.*, citing *id.* at 33. The Court finds Plaintiff's allegations here are delusional and nonsensical. Accordingly, the Court

ORDERS that this case is DISMISSED based on frivolous factual allegations under 28 U.S.C. § 1915(e)(2).

SIGNED at Houston, Texas, this 7th day of September, 2012.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE